

HOLDERNESS RULES OF PROCEDURES

A. AUTHORITY

1. These rules of procedures are adopted under the authority of NH RSA 676:1.
2. Subjects not addressed or not clear in these procedures shall be guided by NH RSA's

B. MEMBERS

1. The Selectmen shall designate one of themselves as an ex officio member and appoint 6 other persons who are residents of the town.
2. The Selectmen shall appoint 3 residents of the town as alternate members.
3. The terms of office for the members and alternates shall be three (3) years unless stipulated other wise. The desire is to have these terms staggered for continuity purposes.
4. The term of the ex officio member shall coincide with their term on the Board of Selectmen.
5. Alternate members shall have the same duties, responsibilities, and privileges as any other member of the Board except, they may not vote unless named by the Chairman to replace a specific member who is unavailable or has recused himself.
6. The Town Planner and Recording secretary are not members or alternates to the Board. They are very welcome advisors and assistants to the Board.

C. OFFICERS

1. The officers of the Board shall be as follows:
 - a. Chairman: the Chairman shall preside over all meetings and hearings; shall prepare an annual report, coordinate the preparation of the annual budget, and shall perform other duties which are customary to the office. The Chair shall work with the Town Planner to keep all ordinances, regulations, and planning materials up to date. The Chair and the Planner shall also endeavor to keep the Board members as educated as possible on local planning laws, and other matters.
 - b. Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
 - c. Board Secretary: The Secretary shall work with the recording secretary (normally the recording secretary) to ensure that a full and accurate record of the proceedings of each meeting; notices of all meetings: proper notification of abutters, applicants and others, and prepare such correspondence as the Chairman may request. The Secretary shall

also work with the Recording secretary to keep all records in a neat, orderly and accessible manner. The Chairman may appoint a Secretary pro tem to keep records as necessary.

- d. Recording secretary: The recording secretary is not a member of the Planning Board. This position is only administrative in nature to the Board and distributes and accepts planning board applications on behalf of the planning board. He/she may assist the applicant in locating names and addresses of abutters and may determine the fees associated with the individual application and record those fees payable to the Town. Once the application is marked as received the recording secretary creates a folder and turns the application over to the Town Planner. Any funds collected go to the depositor for the town selectmen's funds. After the application is reviewed by the Town Planner, the recording secretary in conjunction with the Town Planner and Planning Board Chairman will create the monthly agenda and abutter notifications to be mailed certified mail. The recording secretary further will post the agenda at the Town Office, Post Office and emails the agenda to the Holderness web site administrator and others on the distribution listing.

The recording secretary and town planner attend each planning board meeting for the purpose of taking and recording meeting minutes which are to be available to the public within 5 business days from the date of the meeting. After the draft minutes are reviewed by the chairman and planner, they are available to the public.

The recording secretary in conjunction with the Town Planner prepares monthly package mailers to the members of the Board. Mailers must be sent to the members of the Board at least 5 days in advance of the meeting to allow for sufficient time for members to review the information.

Once a plan is appropriately signed, the recording secretary will send the plan to the registry of deeds for recording purposes.

- e. Town Planner: Shall provide technical support, introduce new planning and community development techniques and theories to the Board. Enforce local planning related ordinances and regulations. Respond to complaints of potential violations conveyed by the general public, staff and Board members. Follow through on enforcement procedures in the case of the violation of local regulations. Provide assistance to the public and the Board in the interpretation of Federal, State and local laws and regulations. Ensures that local regulations are in conformance with State laws. Assist in the development of new or revised local government ordinances, regulations and policies. Serves

as a general conduit of information for the Board between various other board and committees serving the community. Maintains continuous dialog between the Board and Selectmen. Attends various meetings as necessary to maintain effective communication between various boards. Maintains communication between town staff in relations to Board's activities and initiatives. Distributes information to the public. Serves as liaison between the Town and State agencies in regard to planning-related issues. Provides assistance to the public in preparation of applications to the Board. Utilizes training opportunities and attends workshops and seminars to stay abreast of current planning techniques. Updates the Board on various activities occurring in town such as major development projects, State programs and related endeavors. Oversees the maintenance of Board files and related records. Maintains logs and records necessary to monitor development activity in the community. Assists in the development of the Board's annual budget preparation.

2. The Chairman, Vice Chairman and Secretary of the Board shall be elected annually during the May monthly meeting by a majority vote of the Board. If requested by a majority of those present, voting may be by written ballot.
3. The ex officio member of the Board shall nominate a slate of officers. Others may be nominated from the floor.
4. The Vice Chair or Secretary are the "designees", in succession whenever the Chair is unavailable and a designee is authorized by any Ordinance, Regulation, or Procedure.

D. MEETINGS

1. Regular meetings will normally be held in the Town Hall at 7 PM on the third Thursday of the month, unless other wise noticed.
2. Special meetings may be called by the Chair, the Vice Chair or at the request of three members of the Board – provided that notice is given to each member and the public at least 48 hours in advance of the meeting. The notice shall specify the purpose of the meeting.
3. Nonpublic meetings (executive session) shall only be held in accordance with RSA 91-A:3. All other meetings will be public.
4. Quorum: Four members, including alternates, shall constitute a quorum.
5. If an alternate is placed for an application that alternate shall continue serving until that application is voted on. The regular member shall not act on that application. Alternate members shall have the same duties, responsibilities, and privileges as any other member of the Board except, they may not vote unless named by the Chairman to replace a specific member who is unavailable or has recused himself.

6. Disqualification:
 - a. If a member finds it necessary to be disqualified from a particular case, as provided in RSA 673:14 they shall notify the Chair as soon as possible. The disqualification will be announced by the Chair, or the member, prior to any discussion of the application taking place. The member shall leave the table until all discussion of the matter is concluded. Once disqualified the member is disqualified for the entire process.
 - b. If uncertainty arises as to whether a Board member should disqualify themselves the Board may vote on the question of whether that member should be disqualified. Such request and vote should be made prior to, or at the commencement of, any required public hearing. The results of that vote shall be advisory only and non-binding, and may not be requested by other than Board members.
 - c. The disqualified member has all the rights and privileges of any other person attending the meeting in that they may address the issue from the floor at the discretion of the Chair.
7. Order of Business;
 - a. Call to order
 - b. Roll call by the recording secretary (at this time the Chair may appoint alternates as voting members)
 - c. Review of the agenda
 - d. Review of previous meeting minutes
 - e. Informational requests (held separate from public hearings)
 - f. Public Hearings
 - g. Other business
 - h. Adjournment
8. Motions may be made by any member of the Board. Once seconded the motion may be questioned and discussed as the Chair allows.
9. If voice votes are not unanimous, a second roll call vote shall be taken and shall be recorded in the minutes. The voting shall be in the order called by the recording secretary. This order will normally be the Chair, Vice Chair, Secretary, Ex Officio member, and then other members as called.
10. The Chair may make, second and vote on motions.
11. Tie votes shall be taken as no action. They shall neither affirm nor deny an application. The Board may make further motions to act on this matter. The Chair may continue the action until a later meeting. Should a further meeting result in another tie vote the application shall be deemed to be denied, due to the lack of a majority affirmative vote.
12. A member voting "abstain" shall explain their reason(s) for abstaining.
13. Should a member abstain from voting it shall be taken as if that member was not present at the vote. That individual shall not be counted towards a quorum.
14. Video and/or audio recordings of Board meetings may occur as long as they do not disrupt or interfere with the normal proceedings.

15. Field meetings: If site visits are conducted as a public meeting, all meeting criteria will be followed.
 - a. Posted field meetings - Most field activities will be for site viewings and gathering of information when no decisions will be made, no discussions will be held, and limited questions will be asked. The Board is reminded not to discuss the case with each other while at the site. The applicant will decide whether members of the public will access their property during the field meeting. All facts gathered during the field meetings will be recorded into the next regular scheduled meeting minutes.
 - b. Continued field meetings – may occur from time to time without being posted if at the prior meeting, a motion is made to continue the meeting to a specific date and time of field meetings and then followed by the next regularly scheduled meeting. The applicant will decide whether members of the public will access their property during the field meeting. All facts gathered during field meetings will be recorded into the next regular scheduled meeting minutes.

E. APPLICATIONS

1. Applications shall be made on forms provided by the Board and shall be submitted to the Town office which will assign a date of receipt.
2. Forms and fees shall be approved by a vote of the Board prior to their use.
3. If the application and the required payment are submitted within the posted time frame, notice of a Public Hearing will be made in accordance with RSA 676:4,1(d).
4. Public Hearings will be held as early as possible in the process to allow for knowledge of the issue by others, abutters in particular, and for the Board to receive possible outside input regarding the issue. This may appear to some to prolong a process but it is felt that this is better than unanticipated complications surfacing near the end of an issue. Remaining information required for a complete application will be identified for the applicant.
5. Completed applications shall be accepted by a majority vote of the Board and scheduled for consideration within thirty (30) days of acceptance. In most cases this board will consider a vote on the application the same meeting that it is accepted.
6. The Board shall not accept applications not properly completed. The Board may vote to continue the meeting until a set date for the application to be completed.
7. Applications should be reviewed by the Town Planner prior to submission to the Board.
8. Informational requests shall be just that – informational - neither the Board nor the applicant shall take anything said as being approval or denial. The applicant must be forewarned that anything said by the Board is said in a free unstructured meeting and not to be construed in any way as permissive

towards an application. Informational requests do not have to be noticed as long as they are held separate from a regular public hearing.

F. MEETING NOTICES

1. Public notice of hearings shall normally be posted in the Plymouth Record Enterprise and on the bulletin boards at the Post Office and at the Town Hall and on the Holderness website www.holderness-nh.gov, not less than ten (10) days prior to the hearing. RSA 676:4 requires one or the other notifications. The Planning Board will endeavor to do both.
2. Notice shall be made by certified mail to the applicant, all abutters and any professional whose seal appears on any plat not less than ten (10) days prior to the date of the public hearing.
3. Lengthy agenda items will be noticed with complete copies being made available for review at the Town Hall.

G. PUBLIC HEARINGS

The conduct of public hearings will be as follows:

1. The chair shall open the public hearing, identify the applicant and any agents representing the applicant. The application shall be reviewed by the Chair and the manner in which public and personal notice was given shall be announced.
2. A report on the proposal shall be given by the applicant or agent.
3. Members of the Board may ask questions at any time, at the discretion of the Chair.
4. Any applicant, any abutter or any person with a direct interest in the matter, as determined by the Board, may testify in person or in writing. Other persons may testify as permitted by the Board.
5. The applicant, those in favor of the proposal, those in opposition, and those neither for nor against, shall all be allowed a reasonable amount of time to speak. The chair will endeavor to restrict duplications of statements. Speakers will be encouraged to avoid replication of statement by other speakers. Speakers are encouraged to address issues and specifics to the regulations and not address sentiments.
6. Other parties such as representatives of town departments and other boards and commissions who may have an interest in this proposal shall be allowed to present their comments in person or in writing. All written statements submitted by a member of the public shall be read into the record at this time.
7. The Chair shall indicate whether a hearing is closed, or continued, pending the submission of additional material, or information, the correction of noted deficiencies or to schedule a field review. In the case of continuation additional notice need not be given if the date, time, and place of the continuation is given at the adjournment.

H. DECISIONS

1. The Board shall act to approve, conditionally approve, or deny each application. A tie vote shall neither approve nor deny an application. The application may be continued to the next meeting for further action. Should the application receive a second tie vote it shall be considered denied.
2. The Board shall render a written decision within 65 days of the date of acceptance of the completed application, subject to extension or waiver as provided in RSA 676:4
3. Notice of decision will be made available at the Town Hall within 144 hours after the decision is made as required by 676:3. If the application is not approved the Board shall provide the applicant with all of the reasons that it was denied.
4. The Chair, or designee, shall write a decision for the Boards acceptance.

I. EMERGENCY SEPTIC PLANS, BOUNDARY LINE ADJUSTMENTS, & LOT MERGERS

These may be signed by the Chair, Vice Chair, or Secretary without Board actions if they meet town requirements. It is recommended that all of these actions be brought to the Board for their knowledge either before or after the signing.

J. WETLANDS

State wetlands applications will be individually reviewed by the Board. In most cases the Conservation Commission will be the ones taking action unless the board has knowledge of other mitigating circumstances or land use applications in the area.

K. RECORDS

1. The records of the Board shall be kept by the recording secretary, with the guidance of the Board secretary. These shall be available for public inspection at the Town Hall as required by RSA 676:3, 11.
2. All minutes are the interpretation of the recording secretary until such time they are formally approved by a vote of the Board, usually at the next meeting.
3. Minutes of the meetings including the names of the Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within 144 hours of the public meeting as required by RSA91-A:2,II. These minutes may not be approved at this time and should be treated as such.

L. AMENDMENTS

1. These Rules of Procedure may be amended by a majority vote of the members of the Board provided that any such amendment is read at the

- immediate preceding the meeting at which the vote is to be taken. The amended procedure shall be filed with the Town Clerk.
2. All Planning Board regulations and rules of procedure as amended, shall be filed with the Office of State Planning and with the Lakes Region Planning Association after they are filed with the Town Clerk. (RSA 675:9)

M. FILING REQUIREMENTS:

FINAL PLAT (Subdivision & Boundary Line Adjustment)

The final plat submitted for approval and subsequent recording by the Recording secretary shall be submitted in quadruplicate. The material, size of sheet, margins and scales shall be as required in the Subdivision Regulation, Section VIII, Preliminary Layout. Adequate space shall be available on the map for the necessary endorsement of the Board, which wording shall read:

“Approved by the Holderness Planning Board on _____(date)
Certified by
Chairman_____ (name) and
Secretary_____ (name).”

Items for recording include: Boundary Line Adjustments, Subdivisions, and Lot Mergers